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★ FEB 25 2010 ★

BROOKLYN OFFICE

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

CV 02-2307

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 18th day of December, two thousand and nine.

PRESENT: DENNIS JACOBS,
Chief Judge,
REENA RAGGI,
*Circuit Judges.**

IBRAHIM TURKMEN, ASIF-UR-REHMAN SAFFI, SYED AMJAD ALI JAFFRI, AKIL SACHDEVA, SHAKIR BALOCH, HANY IBRAHIM, YASSER EBRAHIM, ASHRAF EBRAHIM,



Plaintiffs-Appellees-Cross-Appellants,

- v. -

JOHN, ASHCROFT, Former United States Attorney General, DENNIS HASTY, Former Warden at MDC, JAMES W. ZIGLAR, Commissioner, Immigration and Naturalization Service, JAMES SHERMAN, ROBERT MUELLER,

Defendants-Appellants-Cross-Appellees,

JOHN DOES 1-20, MDC Corrections Officers, MICHAEL ZENK, Warden of MDC, CHRISTOPHER WITSCHEL, CLEMETT SHACKS, BRIAN RODRIGUEZ, JON OSTEEN, RAYMOND COTTON, WILLIAM BECK, SALVATORE LOPRESTI, STEVEN BARRERE, LINDSEY BLEDSOE, JOSEPH CUCITI, HOWARD GUSSAK, MARCIAL MUNDO, DANIEL ORTIZ, STUART PRAY, ELIZABETH TORRES, PHILLIP BARNES, SYDNEY CHASE, MICHAEL DEFERNANCISCO, RICHARD DIAZ, KEVIN LOPEZ, MARIO MACHADO, MICHAEL MCCABE, RAYMOND MICKENS, SCOTT ROSEBERY, UNITED STATES,

Defendants.

ORDER

Docket Nos. 06-3745-cv (L);
06-3785-cv (Con);
06-3789-cv (Con);
06-3800-cv (Con);
06-4187-cv (XAP)

Docket No. 06-3745-cv (L)
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December 18, 2009

The cross appeals in the above-captioned case from the United States District Court for the Eastern District of New York were argued on the district court's record and the parties' briefs. Upon consideration thereof,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the order of the District Court is AFFIRMED in part and VACATED in part, and the case is REMANDED for further proceedings in accordance with the opinion of this Court.

FOR THE COURT,
Catherine O'Hagan Wolfe, Clerk



Catherine O'Hagan Wolfe

Joy Fallek, Administrative Attorney

* The Honorable Sonia Sotomayor, originally a member of the panel, was elevated to the Supreme Court on August 8, 2009. The two remaining members of the panel, who are in agreement, have determined the matter. See 28 U.S.C. § 46 (d); Local Rule 0.14 (2); *United States v. Desimone*, 140 F. 3d 457 (2d Cir. 1998).

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit



Catherine O'Hagan Wolfe

